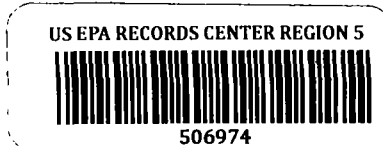


STATE OF MINNESOTA
COUNTY OF HENNEPIN



DISTRICT COURT
FOURTH JUDICIAL DISTRICT
Court File No. 670767

State of Minnesota, by the
Minnesota Pollution Control Agency,
Plaintiff,

and

City of St. Louis Park,
Intervenor-Plaintiff,

vs.

THIRD-PARTY COMPLAINT

Reilly Tar & Chemical Corporation,
Defendant and
Third-Party Plaintiff,

vs.

City of St. Louis Park,
Third-Party Defendant.

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OCTO 1978

MPOA
ATTORNEY GENERAL

Reilly Tar & Chemical Corporation ("Reilly"), Defendant and
Third-Party Plaintiff, for its Third-Party Complaint against
the City of St. Louis Park ("City"), hereby alleges as follows:

I.

That Plaintiff State of Minnesota has served upon Reilly an
Amended Complaint, a copy of which is hereto attached as Exhibit
A.

COUNT ONE

II.

That Reilly and the City entered into a settlement agreement,
dated April 14, 1972, a contract for deed, and a hold harmless
agreement given by the City, which are attached hereto as Exhibit
B, C and D, respectively, and all of which provide that the City

will hold Reilly harmless from any claims arising out of this litigation or any other claims relating to pollution resulting from the property which Reilly conveyed to the City.

COUNT TWO

III.

That the City has committed trespass, negligence and other unlawful acts by unlawfully and unreasonably causing storm waters to be disposed of on Reilly's property and performing improper excavations on or near Reilly's property.

IV.

That Defendant Reilly denies that it has caused any pollution, but if it is determined that it has caused pollution, the City's acts, as alleged in Paragraph III, are either a primary or contributing cause of such pollution and consequent damage.

V.

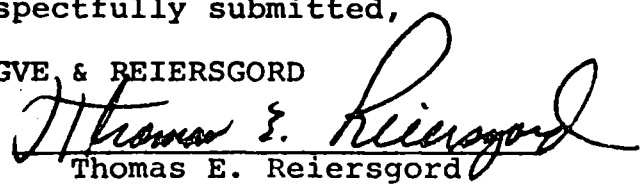
That Defendant Reilly denies any liability to Plaintiff MPCA, but should Reilly be held liable to Plaintiff MPCA, Reilly is entitled to contribution or indemnity from the City for all or part of the damages assessed against Reilly.

WHEREFORE, Reilly demands judgment against Third-Party Defendant City for all sums that may be adjudged against Defendant Reilly in favor of Plaintiff State of Minnesota.

Respectfully submitted,

YNGVE & REIERSGORD

By


Thomas E. Reiersgord
Attorneys for Defendant and
Third-Party Plaintiff, Reilly
Tar & Chemical Corporation
6250 Wayzata Boulevard
Minneapolis, Minnesota 55416
Telephone: (612) 544-8451